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| 09/306,888 | 05/07/1999 | DAVID G OPSTAD | P2380-505 | 4127 |

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# BEFORE THE BOARD OF PATENT APPEALS
# AND INTERFERENCES

Paper No. 22

Application Number: 09/306,888
Filing Date: May 07, 1999
Appellant(s): OPSTAD ET AL.

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John Guay
<u>For Appellant</u>

## EXAMINER'S ANSWER

This is in response to the supplement appeal brief filed December 1, 2003.

*(1)* ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

## (2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

## (3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

## (4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

## (5) Summary of Invention

The summary of invention contained in the brief is correct. However, this is the summary of the invention of the specification as a whole, not just the summary of the claimed invention.

## (6) Issues

The appellant's statement of the issues in the brief is correct.

## (7) Grouping of Claims

Appellant's brief includes a statement that claims 1-9, 11-13, 16-20, 22-27, and 29-31 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

## (8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

## (9)   *Prior Art of Record*

| 5,500,931 | Sonnenschein | 7-1995 |
|-----------|--------------|--------|
| 6,426,751 | Patel et al. | 4/1999 |

## (10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 11-13, 16-20, 22-27, and 29-31 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Sonnenschein (US patent no. 5,500,931) in view of Patel et

al (US patent no. 6,426,751).

Re claims 11, 19, and 26, Sonnenschein teaches a system for generating images

of characters, comprising a font subsystem which is responsive to identification of

characters to access at least one font file to retrieve glyphs associated with the

identified characters (col. 5, lines 12-27), and data tables that contain information about

glyphs in the font (figs. 4-6), a font table synthesizer which is responsive to the absence

of a predetermined data table for creating and storing table on the basis of data

contained in the font file (col. 4, lines 41-52).  In other words, Sonnenschein teaches a

data table pertains to the layout of the glyphs in figures 4-8f. Figures 4-6 and 8a-8f disclose a predetermined data table for the needed glyphs. He discloses creating an ordered font table containing a plurality of glyphs, each glyph corresponding to one character in the ordered font table displayed in the first font style. His system determines if the examined character can be displayed in the first font style by searching the ordered font table to determine if there is an associated glyph for the examined character, and if an associated glyph is found, then associating the first font style with the examined character and associates the font style originally associated with the examined character if the examined character does not have an associated glyph in the ordered font table font.

Sonnenschein fails to specifically disclose creating a table. Nevertheless, both Sonnenschein and Patel teach changes font style features. The glyphs are layout in tables.

However, Patel specifically teaches creating a table (col. 1, lines 17-41; fig. 4). In other words, Patel teaches creating a table for the font layout. The table contains information on glyph positioning, glyph substitution, justification, and baseline positioning. Patel's system creates subtables to store in fonts. Based on the font style that are needed then the subtables are created. His system writes out the table or subtable definitions into a font file by creating tables and other output. His system process can use an optional glyph alias database. In one implementation, a feature file is compiled and the rules extracted from the feature file are fed into table creation modules. In this implementation, the interface to the table creation modules is extremely

simple as a result of the GNode representation--the creation process being defined by the target and the replacement GNodes.

Therefore, taking the combined teaching of Sonnenschein and Patel as a whole, it would have been obvious to combine the teaching of Patel to the system of Sonnenschein because doing so would have enabled processing fonts to improve font layout in a table format as noted in Patel (col. 1, lines 17-41; figs. 2 and 4-element 420).

Re claims 12 and 25, Patel discloses font subsystem determines whether a predetermined data table is contained in the font file, and causes synthesizer to create table when a determination is made that the table is not present in the font file (col. 4, line 52 to col. 5, line 7; fig. 4).

Re claims 13, 20, and 27, Patel discloses an annex file (col. 7 to col. 14).

Re claims 6, 16, 22, and 29, Sonnenschein teaches a method for automatically synthesizing a data table that contains information about glyphs in a font, comprising the steps of building a font map that contains information about individual glyphs in the font (col. 5, lines 12-27), determining relationships between items of information in the font map.

Sonnenschein fails to specifically disclose constructing a table.

However, Patel specifically teaches constructing a table (col. 1, lines 17-41; fig. 4). In other words, Patel teaches constructing a table for the font layout. The table contains information on glyph positioning, glyph substitution, justification, and baseline positioning.

Therefore, taking the combined teaching of Sonnenschein and Patel as a whole, it would have been obvious to combine the teaching of Patel to the system of Sonnenschein because doing so would have enabled processing fonts to improve font layout in a table format as noted in Patel (col. 1, lines 17-41; figs. 2 and 4-element 420).

Re claims 7-8, 17-18, 23-24, and 30-31, Sonnenschein discloses font map is specific to the font and other information is generic to multiple fonts (col. 5, lines 39-59).

Re claims 1-5 and 9, the limitations of claims 1-5 and 9 are analyzed as discussed with respect to claims 11-13, 16-20, and 22-27 above.

## (11)   Response to Argument

Regarding claims 1-9, 11-13, 16-20, 22-27, and 29-31, the Appellants argument is based on the contention that Sonnenschein and Patel fail to show the essential element of determining whether the font contains a predetermined data table that pertains to the layout of glyphs and automatically synthesizing data table based upon data contained in the font if the font is determined not to contain data table (Supplement Appeal Brief:  page 3, lines 16-18).  The Examiner disagrees.

The following are varies points that the Examiner disagrees:

Upon a closer examination, Examiner noticed that only independent claim 1 discloses the above essential argument while independent claims 11, 16, 26, and 29 do not.  However, Sonnenschein discloses determining whether the font contains a predetermined data table that pertains to the layout of glyphs and automatically synthesizing data table based upon data contained in the font if the font is determined not to contain data table (col. 4, lines 41-52; col. 5, line 12 to col. 7, line 6; figs. 2 and 4-

6). In figures 4-6 of Sonnenschein, he discloses predetermined data table illustrate code string, font, and string index. In that the logic set forth in figure 2 which automatically styles a character with a new font style when the current font cannot display the character. The process iterates on the input text to determine if the font associated with the current character can display that character. If not, it tries to find a font that can. The process then tries to keep all subsequent characters of the input text in the same font.

In addition, Sonnenschein teaches building a font map that contains information about individual glyphs in the font (col. 5, line 39 to col. 6, line 57); determining relationships between items of information in the font map (col. 8, lines 1-37); and constructing a table which identifies relationships (figs. 7 and 8a-8f). In other words, Sonnenschein teaches when a client wants to fix missing glyph characters in text that already has font styles (the logic shown in figure 7 is employed). The major difference with this process is that the process first checks if a character can be displayed in it's own font style before it checks if it can display in the previously processed font style. The effect of this process on characters that can be displayed in their current font is that they are left unchanged. For instance, this process could be used when transferring text between systems which have different font configurations.

Furthermore, in response to applicant's arguments, the recitation a method for automatically synthesizing a data table that contains information about glyphs in a font has not been given patentable weight because the recitation occurs only in the preamble of claim 16. A preamble is generally not accorded any patentable weight

where it merely recites the purpose of a process or the intended use of a structure, and

where the body of the claim does not depend on the preamble for completeness but,

instead, the process steps or structural limitations are able to stand alone.  See *In re*

*Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150,

152, 88 USPQ 478, 481 (CCPA 1951).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thu-Thao Havan
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TTH
February 5, 2004

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